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Appeal Brief	09/630,912

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NOTES/COMMENTS:

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1. Appeal Brief (one set)

Respectfully submitted,

Brian F. Russell/vf

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCESIn re Application of:
BENJAMIN RUSSELL GRIMESSerial No.: **09/630,912**Filed: **AUGUST 2, 2000**Title: **SYSTEM, METHOD AND
PROGRAM FOR ESTABLISHING
MODEM COMMUNICATION
BETWEEN A MASTER COMPUTER
SYSTEM AND A PLURALITY OF
SLAVE COMPUTER SYSTEMS
THROUGH A COMMON SERIAL
COMMUNICATION CHANNEL**§ Attorney Docket No.: **RPS920000021US1**§ Examiner: **ORTIZ, X.**§ Group Art Unit: **2141**APPEAL BRIEF UNDER 37 C.F.R. 1.192Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Appeal in the above-identified application.

CERTIFICATE OF TRANSMISSION [37 CFR 1.8(A)]	
I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 272-9306.	
9/29/04 Date	Wade J. Delaney Signature

REAL PARTY IN INTEREST

The real party in interest in the present Appeal is International Business Machines Corporation, the Assignee of the present application, as evidenced by the Assignment recorded at reel 011113 and frame 0105 *et. seq.*

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellant, the Appellant's legal representative, or assignee, which directly affect or would be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1-23 were originally presented. In Appellant's Amendment A, filed March 8, 2004, Claims 7, 13, 16-17, 19-20 and 22-23 were canceled, and Claims 24-33 were entered. Amendment B, dated June 21, 2004, was refused entry, as noted in the Advisory Action dated August 4, 2004, and labeled Paper No. 20040721. Amendment C, dated August 19, 2004, canceled Claims 1-6, 8 and 26-33. Assuming entry of Amendment C, Claims 9-12, 14-15, 18, 21 and 24-25 are now pending. All pending claims stand finally rejected as noted in the Advisory Action dated August 4, 2004. The rejection of each pending claim is appealed.

STATUS OF AMENDMENTS

Amendment B, dated June 21, 2004, was refused entry by the Examiner in the Advisory Action dated August 4, 2004. Appellant subsequently filed Amendment C, dated August 19, 2004, canceling Claims 1-6, 8 and 26-33. Because Amendment C merely cancels rejected claims, thereby reducing outstanding issues and placing the present application in better condition for appeal, the present Appeal Brief assumes entry of Amendment C; however, Appellant has not received a Supplemental Advisory Action indicating whether Amendment C has been entered.

SUMMARY OF THE CLAIMED INVENTION

Independent Claim 9 recites a method for establishing communication between a master computer system and a particular one of a plurality of slave computer systems all coupled to a

common communication channel. As described, *inter alia*, at page 12, lines 9-13 and illustrated at Figure 3, block 310, the method includes "each of the plurality of slave computer systems receiving a session request from a master computer system on the common communication channel." In addition, as described, *inter alia*, at page 12, lines 13-17 and illustrated at Figure 3, block 312, "in response to receipt of the session request, each of the plurality of slave computer systems chang[es] from a receive mode to an answer mode in which all of plurality of slave computer systems are in communication with the master computer system via the common communication channel." "The plurality of slave computer systems thereafter receiv[e] via the common communication channel a second request containing a unique identifier of a particular slave computer system among the plurality of slave computer systems," as described, *inter alia*, at page 12, lines 18-27 and illustrated at Figure 3, block 314. "In response to the second request, the particular slave computer system maintain[s] communication with the master computer system in the answer mode and each other slave computer system not identified by the unique identifier in the second request disconnect[s] from communication with the master computer system and return[s] to the receive mode," as described, *inter alia*, at page 12, line 28 through page 13, line 14 and illustrated at Figure 3, blocks 316, 318 and 320.

Independent Claim 10 recites a system that supports communication between a master computer system and a particular one of a plurality of slave computer systems all coupled to a common communication channel. The claimed system includes "a common communication channel," as described, *inter alia*, at page 8, lines 11-13 and illustrated in Figure 1 at reference numeral 150. In addition, the system includes "a plurality of slave communication devices all coupled to the common communication channel," which are depicted as slave servers 1-3 in Figure 1 and described at page 8, lines 6-14. As described above, the claimed operation of the slave computer systems is depicted in Figure 3 (particularly blocks 310-320) and described in the present specification at page 12, line 9 through page 13, line 14.

Independent Claim 18 recites a "program product for establishing communication between a master computer system and a particular one of a plurality of slave computer systems all coupled to a common communication channel." The program product includes "a computer usable medium," as described at page 14, lines 2-19 and illustrated, *inter alia*, in Figure 1 at

reference numerals 1E, 2E and 3E. The claimed operation of the program product is depicted in Figure 3 (particularly blocks 310-320) and as described at page 12, line 9 through page 13, line 14.

GROUND OF REJECTION

Appellant appeals the rejection of Claims 9-11, 14-15, 18, 21 and 24-25 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,611,860 to Ying (*Ying*) in view of Japanese Patent No. JP404096541 to Chiba (*Chiba*), as set forth in the Final Rejection dated May 19, 2004, and labeled Paper #6.

ARGUMENT

I. Prior art of record does not teach or suggest the disconnecting step of exemplary Claim 9

The combination of *Ying* and *Chiba* does not render the present claims unpatentable under 35 U.S.C. § 103 because that combination does not teach or suggest each feature of the present claims. For example, with respect to exemplary Claim 9, the combination of *Ying* and *Chiba* does not teach or suggest:

in response to the second request, the particular slave computer system maintaining communication with the master computer system in the answer mode and each other slave computer system not identified by the ... second request disconnecting from communication with the master computer system and returning to the receive mode. (emphasis supplied)

Specifically, the combination of cited references does not teach or suggest slave computer system(s) changing modes in response to the second request by "disconnecting from communication with the master computer system and returning [from the answer mode in which all of plurality of slave computer systems are in communication with the master computer system] to the receive mode," as recited in exemplary Claim 9.

With respect to the disconnecting step of exemplary Claim 9, the Final Rejection cites col. 10, lines 1-18 of *Ying*. As pointed out by the Examiner at page 3 of the present Office Action, the cited passage of *Ying* discloses "the master node polling each of the slave[] nodes periodically, where each of the slaves ha[s] a unique node identification number" and "only

reacts if it recognizes its own identification number or address in the control message." Thus, *Ying* clearly teaches communication between the master node and slave nodes one-at-a-time. *Ying* does not disclose any "second request" to which a slave computer system, which is in joint communication with the master computer system together with one or more other slave computer systems, responds by "dropping out" from the joint communication and returning from the answer mode to the receive mode.

Chiba, taken in combination with *Ying*, similarly does not teach or suggest the claimed response to the second request by one or more slave computer systems not identified within the second request. That is, *Chiba* does not teach or suggest a slave computer system that is in communication with the master computer system returning from the answer mode to the receive mode in response to a second request in which the slave system is not identified.

II. Conclusion

Because the combination of *Ying* and *Chiba* does not teach or suggest "each other slave computer system not identified by the ... second request disconnecting from communication with the master computer system and returning to the receive mode," as recited in exemplary Claim 9, Appellant respectfully requests the Board to reverse the rejection of Claim 9, similar Claims 10 and 18 and their respective dependent claims.

Please charge IBM CORPORATION Deposit Account No. 50-0563 in the amount of \$330.00 for the fee associated with filing the present Appeal Brief. No additional fee is believed to be required; however, in the event any additional fees are required, please charge IBM CORPORATION Deposit Account No. 50-0563.

Respectfully submitted,


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APPENDIX

1.-8. (canceled)

9. (previously presented) A method for establishing communication between a master computer system and a particular one of a plurality of slave computer systems all coupled to a common communication channel, said method comprising:

each of the plurality of slave computer systems receiving a session request from a master computer system on the common communication channel;

in response to receipt of the session request, each of the plurality of slave computer systems changing from a receive mode to an answer mode in which all of plurality of slave computer systems are in communication with the master computer system via the common communication channel;

the plurality of slave computer systems thereafter receiving via the common communication channel a second request containing a unique identifier of a particular slave computer system among the plurality of slave computer systems;

in response to the second request, the particular slave computer system maintaining communication with the master computer system in the answer mode and each other slave computer system not identified by the unique identifier in the second request disconnecting from communication with the master computer system and returning to the receive mode.

10. (previously presented) A system supporting communication between a master computer system and a particular one of a plurality of slave computer systems all coupled to a common communication channel, said system comprising:

a common communication channel;

a plurality of slave communication devices all coupled to the common communication channel;

wherein, responsive to a master device transmitting a session request on the common communication channel, each of said plurality of slave communication devices responds to the session request by changing from a receive mode to an answer mode in which all of plurality of

slave computer systems are in communication with the master computer system via the common communication channel; and

wherein responsive to thereafter receiving via the common communication channel a second request by the master computer system containing a unique identifier of a particular slave computer system among the plurality of slave computer systems, the particular slave computer system maintains communication with the master computer system in the answer mode and each other slave computer system not identified by the unique identifier in the second request disconnects from communication with the master computer system and returns to the receive mode.

11. (previously presented) The system according to Claim 10, wherein:

each of the plurality of slave computer systems is assigned a respective one of a plurality of unique identifiers that can be used by the master computer system to establish communication with that slave computer system.

12. (previously presented) The system according to Claim 11, wherein:

each of the plurality of slave computer systems has a respective non-volatile memory device that stores the respective unique identifier of that slave computer system.

13. (canceled)

14. (previously presented) The system according to Claim 10, wherein:

after communication is established between the particular slave computer system and the master computer system, the particular slave computer system receives and executes commands from the master computer system.

15. (original) The system according to Claim 10, wherein the common communication channel is a serial communication channel.

16. (canceled)

17. (canceled)

18. (previously presented) A program product for establishing communication between a master computer system and a particular one of a plurality of slave computer systems all coupled to a common communication channel, said program product comprising:

a computer usable medium;

a control program encoded within the computer usable medium that performs the steps of:

each of the plurality of slave computer systems receiving a session request from a master computer system on the common communication channel;

in response to receipt of the session request, each of the plurality of slave computer systems changing from a receive mode to an answer mode in which all of plurality of slave computer systems are in communication with the master computer system via the common communication channel;

the plurality of slave computer systems thereafter receiving via the common communication channel a second request containing a unique identifier of a particular slave computer system among the plurality of slave computer systems; and

in response to the second request, the particular slave computer system maintaining communication with the master computer system in the answer mode and each other slave computer system not identified by the unique identifier in the second request disconnecting from communication with the master computer system and returning to the receive mode.

19. (canceled)

20. (canceled)

21. (original) The program product according to Claim 18, wherein said control program further performs the step of:

after communication between the particular slave computer system and the master computer system is established, receiving and executing, by the particular slave computer system, commands from the master computer system.

22. (canceled)

23. (canceled)

24. (previously presented) The method of Claim 9, wherein and further comprising:

after communication between the particular slave computer system and the master computer system is established, receiving and executing, by the particular slave computer system, commands from the master computer system.

25. (previously presented) The method of Claim 10, wherein the common communication channel is a serial communication channel, and wherein:

receiving the session request comprises receiving the session request via the serial communication channel; and

receiving the second request comprises receiving the second request via the serial communication channel.

26.-33. (canceled)